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CMR-10 PRPB Comments

July 15, 2024

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Compliance Area: Use of Force

➤ Paragraph 52

PRPB comment: PRPB considers that the Monitor should take into account the training plan in execution for the SFRB and Area Commanders. As informed on April 26, 2024, 65 members of the police had been trained, 39 were scheduled for training and 15 were in the process of being scheduled. The monitor's report does mention that fact.

Please note that as of today 100% are fully trained.



Compliance Area: Searches and Seizures: Internal Controls and Accountability

➤ Paragraph 63

Filed - **Monitor evaluation page 73 of the Compliance Assessment**: “However, all commanders’ reviews occurred well past the required three business days per policy in events involving detentions, including traffic stops (See complaint #s 2024-1-199-0008, 2024-13-010-000869, and 2024-5-050-003131).”

PRPB Comment: After the filing of CMR-10, the parties and monitor had the opportunity to thoroughly discuss this matter. For PRPB, a vehicle intervention is not a detention. For a vehicle intervention there must exist a traffic violation (Act 22). A intervention due to a law violation is not an investigative detention.

The parties agreed that the files for a vehicle intervention with an arrest will be evaluated with the metrics of paragraph 71 (7 days). Vehicle interventions will be documented prospectively once the RMS is operational. These will be evaluated under paragraphs 60-64.



Compliance Area: Equal Protection and Non-Discrimination

➤ Paragraph 85

Filed - **Monitor evaluation page 92 of the Compliance Assessment:** *"Nonetheless, according to the dates outlined in the Action Plan approved by the Parties on September 5, 2023, PRPB should have evaluated proposals and selected an RMS during this reporting period. The Monitor's Office has not received any information regarding PRPB's acquisition of an RMS, nor documentation showing the execution of the previous steps before the acquisition of an RMS."*

PRPB comment: Monitor is referring to the Plan of the 62 paragraphs in non-compliance corresponding to CMR8 (Compliance Plan Summary with the Compliance Plan Tracker) filed to the Court on November 3, 2023. Also, an RMS status was included in the Consolidated Status Reports submitted to the parties on January and April of 2024.

Respectfully, it is not correct to say in June 2024 (the date of the filing of CMR-10) that the monitor's office has not received any information regarding the acquisition of the RMS.

➤ Paragraph 90

Filed - **Monitor evaluation:** Paragraph rating: Not Compliant

PRPB comment: PRPB understands that according to the approved methodology, objectives 1-4 are measured annually, which is why they did not fall in the evaluation corresponding to CMR10. However, regardless of the Monitoring Frequency agreed in the Methodology, PRPB considers that a reevaluation of the paragraph rating is appropriate to partial compliance. The Monitor has unequivocally confirmed that objectives 1-5 were met as of December 31, 2023, with the complete implementation of the Equal Protection and Non-Discrimination (IGPD Multitemático de Igual Protección y No Discrimen) training course. This was reported in the Consolidated Status Report #1 submitted to the parties on January 15, 2024, and filed to the Court on January 31, 2024.



Compliance Area: Training

➤ Paragraph 117

Filed - **Monitor evaluation page 121 of Compliance Targets:** Not marked Compliance Target #4: Instruction is delivered in accordance with policy in 95% of selected training classes.

PRPB comment: the Compliance Target #4 was not marked Met or Missed. The correct marking should be “Met”, resulting in substantial compliance.

➤ Paragraph 126

Filed - **Monitor evaluation page 132 of Pathway Forward:** *“The Monitor’s Office stresses the importance of resolving the issue of FTO incentives, as neglecting it can impact morale, staffing, and the overall effectiveness of PRPB’s FTO Program. Although not currently stipulated in PRPB policy, as noted in Paragraph 123, incentives for FTOs should be prioritized by the Bureau in order for it to achieve compliance with the Agreement.”*

PRPB comment: PRPB appreciates the Monitor's recommendations and concerns. However, compensation to FTOs is not required for the success of the program nor required by the Consent Decree. PRPB does not understand why the Monitor’s Office states that “incentives for FTOs should be prioritized by the Bureau in order for it to achieve compliance with the Agreement” when the Agreement does not require such incentives.

➤ Paragraph 129

Filed - **Monitor evaluation page 134 - 135 of In-Service Training section:** *“Per paragraph 129, PRPB is required to conduct annual in-service training of at least 40 hours for all officers. During the CMR-6 reporting period PRPB presented various training pauses largely due to COVID-19, resulting in a low number of personnel receiving the required in-service training. However, PRPB responded with the development of some online courses to meet this challenge. In the CMR-8 reporting period, PRPB continues to deliver a low number of in-service training hours. The Monitor’s Office’s assessment of PRPB’s compliance with training is based on the training documents submitted by PRPB and interviews with staff assigned to the Academy and others involved in the development/delivery of in-service training. Over the last year, PRPB has had to adjust its training delivery due to the larger than usual pre-service Academy - Class #233 which*



had over 400 cadets. The immediate training course development and delivery of the new sergeants' course to over 500 new sergeants were addressed in an expedited manner. There continues; however, to be a lack of sufficient training personnel available to meet the overall PRPB training responsibilities.

It is imperative that PRPB conduct the 40-hour annual training requirement for all agents. PRPB has stated it can achieve this requirement through online training. However, during the reporting period, PRPB self-reported that it is no longer in negotiations with UPR for the development phase of the virtual online training platform. The training would have been conducive to a 24-hour a day 7-day a week availability. Academy staff reports that online courses will be developed in-house and that it is in discussion/collaboration with PRPB IT personnel to move in this direction. Online training is a viable method to support PRPB in required training mandates; however, the IT Bureau already has a high-work load, and it is not known if this objective is a priority.

Once the virtual training is established it will assist in achieving compliance. Completed training documentation, annual in-service training plans, instructor evaluations, and a substantive curriculum development process, with stakeholder feedback, are all still at a critical juncture for PRPB in its delivery of in-service training. PRPB must expand its pedagogical process to include these important points to ensure the quality, liability, and accountability measures are in accordance with the Agreement."

PRPB comment: Respectfully, the quote above is a 'cut and paste' from CMR-8 report. It does not represent PRPB's actual status, current state of events in the case, and the achievements made in training. Please refer to CMR-8 report pages 133 – 134 (In Service Training section) and CMR-10 report pages 134-135.



Compliance Area: Supervision and Management

➤ Introduction

Filed - **Monitor evaluation page 143 of the Introduction:** *"In addition, PRPB is also currently working to promote 1st and 2nd lieutenants by October 2024."*

PRPB comment: The Paragraph 13 Implementation Plan, filed on September 5, 2023, establishes that First Lieutenants should be promoted on or before August 30, 2024.

As for the Second Lieutenants, NPPR is evaluating its implementation.

➤ Paragraph 137

Filed - **Monitor evaluation page 149 of the Compliance Assessment:** *"PRPB created dashboards connecting Kronos HR/T&A and SITA; however during IT presentations, it was reported that the dashboards have not been finalized."*

PRPB comment: The Dashboards to measure the distribution of NPPR personnel and the need for resources in critical units were completed, certified and promoted to the production environment in January 2024. The above was reported at the status meeting with the Monitor on January 24 2024. During this meeting, the dashboards, their purpose and usefulness were demonstrated. Also, copy of the power point presentation was shared with the Monitor on January 27, 2024.

With these boards, to date, 2 monitorings have been carried out for the redistribution of personnel in critical units.

Respectfully, it is not correct to state that the dashboards have not been finalized.

➤ Paragraph 140

Filed - **Monitor evaluation page 155 of Compliance Status:** Paragraph rating: Not Compliant

PRPB comment: PRPB considers that this paragraph should be reevaluated to Partial Compliance. This paragraph is measured with paragraph 136 that is rated Partially Compliant. The Monitor marked as Met Compliance Targets 1 – 5 and #7 that Policies incorporate all the requirements of Paragraphs 136-140, Supervision trainings are consistent with approved policies, 95% of sampled supervisors are trained and certified in all policies related to supervision, Officer and supervisor schedules, assignments, and



ratios are consistent with supervision policies, Supervisors are assigned and deployed in accordance with approved supervision policies and 95% of sampled referrals indicate proactive observation and intervention to ensure adherence to policies, law, and the Agreement.

Also, in the Compliance Assessment of paragraph 140 the Monitor states that *"The Monitor's Office reviewed examples of staffing documents submitted electronically and during several site visits for the areas of Utuado, Carolina, Bayamon, Fajardo, and Aguadilla. Based on the documents reviewed and officers and supervisors interviewed, supervision is reaching a level of compliance. Supervisors have returned to normal activities and assignments in accordance with their job descriptions. Supervisors are developing experience in addition to receiving proper training that will lead them to provide better guidance and improving professionalism, prioritizing community policing, and problem solving. One of the most important skills that supervisors must develop is the ability to identify, correct, and prevent misconduct"*.

PRPB understands that the requirements of the paragraph are being met, commanders and supervisors are ensuring that all supervisors and officers under their command comply with PRPB policy, Commonwealth of Puerto Rico and federal law, and the requirements of the Agreement.

PRPB is complying with all compliance targets of this paragraph except 1, and is getting a rating of zero compliance. Respectfully, that is not consistent.



Compliance Area: Civilian Complaints Internal Investigation and Discipline

Introduction

Filed - **Monitor evaluation page 180 of the Introduction:** Not one Internal Affairs Bureau (NAI) has been relocated away from police facilities despite the Monitor's Office's multiple and longstanding findings that this practice must end without further delay.

PRPB comment: PRPB appreciates the recommendation and is still under consideration. However, the location of NAI is not a compliance requirement for any of the paragraphs pertaining to this area.

➤ Paragraph 173

Filed - **Monitor evaluation page 196 of the Compliance Status:** Paragraph rating: Not compliant

PRPB comment: PRPB considers this paragraph should be reevaluated to Partial Compliance. As the Monitor states on the Compliance Assessment "*PRPB has implemented a digital timestamp solution that clearly indicates that the agency is assigning new SARP cases for investigation within the five working day period mandated by the Agreement.*" With this solution, SARP exported all complaints received during the evaluation period, totaling 959 from October 2023 to March 2024. Of these, 901, or 94%, were assigned to an investigator within five business days. These results indicate that the paragraph is not in Not compliance.

➤ Paragraph 177

Filed - **Monitor evaluation page 200 of the Compliance Targets:** Compliance Target #2 **Missed:** Investigation of complaints trainings are consistent with approved policies

PRPB comment: PRPB considers that compliance target #2 should be reevaluated to 'Met'. As it is stated by the Monitor on the Compliance Assessment "*This standard is well delineated throughout SARP formative training as well as the Instructor's Manual.*" With this statement, PRPB concludes that the Training is consistent with the approved policies. PRPB agrees that the Monitor's Office did not review REA 114R prior to use. However, the fact that the training was acceptable to the Monitor within this monitoring period warrants to mark a Met rating for compliance target #2.



Compliance Area: Community Engagement and Public Information

➤ Paragraph 208

Filed - **Monitor evaluation on page 242 of the Compliance Assessment:** *“However, establishing data quality controls, protocols, and guidelines, as well as internal technological mechanisms for self-monitoring to ensure data accuracy, are still in the developmental stages.”*

PRPB comment: As informed on February 13, 2024, a central coordinator was established and the 13 areas coordinators are supporting the process of communication management and self-regulation, using automated tools to identify areas of opportunity and improvement. The coordinators are performing these activities since January 2024. The quality control process is currently being implemented based on the existing operational process. The monitor and control processes involve collaboration with Datalytics through the Plan of the 62 paragraphs in non-compliance, as detailed in the Compliance Plan Summary submitted in CMR8 (Compliance Plan Tracker) to the Court on November 3, 2023.

Respectfully, the statement of the Monitor is not correct. Quality controls, protocols, guidelines and technology mechanisms are not in the developmental stages.

